

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-132

v.

HON. JANET T. NEFF

FRANK CISNEROS,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Frank Cisneros has filed a motion for modification or reduction of sentence (ECF No. 1953) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (ECF No. 1961) which finds Defendant eligible. Responses have been filed by Defendant (ECF No. 1965), and the Government (ECF No. 1971) which agree with the conclusion of the probation department.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (ECF No. 1961), and the Defendant's and Government's Responses (ECF Nos. 1965 and 1971) the Court has determined

that the defendant is eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (ECF No. 1953) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to 168 months. All other terms and conditions of the original judgment shall remain the same. An order effectuating the sentence reduction shall issue forthwith.

DATED: May 1, 2020

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge